



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 5

77 WEST JACKSON BOULEVARD

CHICAGO, IL 60604-3590

US EPA RECORDS CENTER REGION 5



431617

REPLY TO THE ATTENTION OF:

**APR 03 2012**

SC-5J

**CERTIFIED MAIL**  
**RETURN RECEIPT REQUESTED**

Mr. Charles Osswald  
c/o Walter J. Skotynsky  
Attorney at Law  
1018 Adams Street  
Toledo, Ohio 43604

Re: Norwood Industries-Norwood Avenue Site in Toledo, Lucas County, Ohio  
Site Spill Identification Number: B5PA  
General Notice of Potential Liability and Demand Letter

Dear Mr. Skotynsky:

This letter is issued in connection with the above-referenced Site. The letter serves two basic functions. First, it notifies your client of potential liability under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA). Second, this letter provides general and site-specific information to assist you in the process of resolving your client's liability.

EPA has conducted response actions to address contamination at the Norwood Industries-Norwood Avenue Site at 1678 Norwood Avenue in Toledo, Ohio. EPA took these actions under authority of CERCLA 1980, as amended, 42 U.S.C. §§ 9601-9675. Prior to undertaking these response actions, EPA determined that there was a release or threatened release of hazardous substances from the Norwood Industries-Norwood Avenue Site. The EPA undertook the response actions using monies authorized by CERCLA, as amended.

Because of the conditions described above, EPA believed that the response activities conducted at the Site be initiated as quickly as possible. Therefore, EPA did not utilize the special notice procedures available under Section 122(e) of CERCLA.

During the response, EPA and its contractors undertook several actions at the Site. They included the following: Between October 16, 2008, and June 15, 2009, EPA mitigated threats which were present at the Site. EPA confirmed the presence of hazardous substances which had existed at the Site for several years, including flammable substances in drums and other containers inside Site

structures, and materials leaking through the walls into the environment. EPA sampled, field categorized, sorted, and disposed of on-site wastes at Resource Conservation and Recovery Act (RCRA)-approved facilities. During the cleanup, the following materials were removed from the Site: 350 tons of contaminated construction and general debris; 120 cubic yards of RCRA empty containers; 120 cubic yards and 20 tons of non-hazardous inert solids; 278 cubic yards of non-hazardous liquid waste; 80 yards of solids, dyes and floor sweepings; 23,700 gallons and 26,300 pounds of waste flammable liquids; 1,755 gallons and 4,800 pounds of non-Department of Transportation and non-RCRA regulated materials; 5,920 pounds of corrosive liquids; 20 cubic yards of paracril and floor sludge sweepings; 3,600 pounds of liquid hazardous waste; 20 cubic yards of roofing tar containing non-friable asbestos; 60 pounds of ammonia solutions; 55 pounds of flammable aerosols; 20 pounds of elemental mercury; 80 pounds of solid toxic waste (lead and mercury debris); 80 pounds of hydrofluoric acid (including 55 gallon drum weight utilized as secondary container); and 20 pounds of ethylene oxide.

Response costs associated with this Site have been incurred by EPA. The approximate EPA response costs identified up to January 1, 2012, for the above referenced Site are \$1,955,919.90. A summary is enclosed.

Information available to EPA indicates among other things that your client is potentially responsible for any release, or threat of release, of hazardous substances from the Site. Pursuant to the provisions of Section 107(a) of CERCLA, as amended, and based on evidence currently available to the agency, EPA believes that your client may be liable for the payment of all costs incurred by EPA in connection with the Site. If there is more than one potentially responsible party (PRP) associated with the Site, the PRPs are jointly and severally liable for the whole amount. Partial payments will not release the payer of liability for payment of the rest of the costs that are owed to EPA. Limiting language on the check or in accompanying letters will be considered to be advisory only and will not be considered as placing conditions on the amount paid or as limiting liability on other costs demanded in this letter.


Such payment must be made by a cashier's or certified check made payable to the "EPA Hazardous Substance Superfund", which is established by the Internal Revenue Code, 26 U.S.C. § 9507, and administered by EPA. Please send your check to EPA, Superfund Payments, Cincinnati Finance Center, P.O. Box 979076, St. Louis, Missouri 63197-9000. Place the following Site Identification Number on the check: B5PA. Please send a copy of your payment check to Thomas Marks, Chief, Enforcement Services Section 1 (SE-5J), U.S. EPA, Region 5, Superfund Division, 77 West Jackson Boulevard, Chicago, Illinois 60604, and to the Office of Regional Counsel (C-14J), U.S. EPA, at the above mentioned address.

We hereby demand that you make restitution by payment of the amount in this letter expended by the agency in connection with the Site pursuant to authority of CERCLA, as amended. Pursuant to Section 107(a) of CERCLA, as amended, interest shall begin accruing as of the date of this demand if payment is not received within thirty (30) calendar days of the date of this letter.

If you desire to discuss your liability with EPA, please contact James Morris, Associate Regional Counsel, in writing not later than thirty (30) calendar days after the date of this letter. Mr. Morris may also be reached by phone at 312-886-6632. If we do not receive a response from you within this time frame, EPA will assume that you have declined to reimburse the Fund for the Site expenditures, and pursuant to CERCLA, as amended, EPA may pursue civil litigation against you to recover all of its costs, with interest.

Should other PRPs also receive a request for payment, those names will be provided to you in order to facilitate organization among the identified parties concerning payment. Multiple PRPs, should attempt to work out an allocation among themselves to apportion costs; however, whatever allocation system the PRPs develop among themselves, EPA considers all PRPs to this Site jointly and severally liable for the amounts demanded in this letter until all costs are reimbursed or an appropriate settlement is achieved pursuant to Section 122(h) of CERCLA.

Sincerely,

  
S<sup>or</sup> Sharon Jaffess, Chief  
Enforcement and Compliance Assurance Branch

Enclosure